

Article 2. General Facility Standards**§66265.10. Applicability.**

The regulations in this article apply to owners and operators of all hazardous waste facilities, except as section 66265.1 provides otherwise.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.10.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.11. Identification Number.

Every facility owner or operator shall apply to the Department for an Identification Number in accordance with the Department's notification procedures.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.11.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.12. Required Notices.

(a)(1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to the requirements of 40 CFR Part 262, Subpart H or this article shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document shall be maintained at the facility for at least three years.

(b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) shall inform the generator in writing that the owner or operator has the appropriate interim status for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

(c)(1) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter and chapter 20 of this division. (Also see section 66270.72 of this division.)

(2) An owner's or operator's failure to notify the new owner or operator of the requirements of this chapter shall not relieve the new owner or operator of the obligation to comply with all applicable requirements.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.12.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect redesignating subsection (a) as new subsection (a)(1) and adding new subsection (a)(2) filed 8-20-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 34).
3. Change without regulatory effect amending subsection (a)(2) and repealing subsection (d) filed 7—1—2004 pursuant to section 100, title 1, California Code Regulations (Register 2004, No.27).

§66265.13. General Waste Analysis.

(a)(1) Before an owner or operator transfers, treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under section 66265.113(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis shall contain all the information which must be known to transfer, treat, store, or dispose of the waste in accordance with the requirements of this chapter and chapter 18 of this division.

(2) The analysis may include data developed under chapter 11 of this division, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

(A) The facility's record of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with subsection (a)(1) of this section.

(B) The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) of this section, except as otherwise specified in section 66268.7(b) and (c).

(3) If the generator does not supply the information as specified in subsection (a)(2)(B) of this section, and the owner or operator chooses to accept a hazardous waste, the owner or operator shall obtain the information

required to comply with this section.

(4) The analysis shall be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis shall be repeated:

(A) when the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste, if applicable under section 66265.113(d), has changed; and

(B) for off-site facilities, when the results of the inspection required in subsection (a)(5) of this section indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

(5) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

(b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a) of this section. The owner or operator shall keep this plan at the facility. At a minimum, the plan shall specify:

(1) the parameters for which each hazardous waste, or non-hazardous waste if applicable under section 66265.113(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) of this section);

(2) the test methods which will be used to test for these parameters;

(3) the sampling and sampling management methods which will be used to obtain a representative sample of the waste to be analyzed. The sampling, planning methodology, equipment, sample processing, documentation and custody procedures shall be in accordance with either:

(A) one of the sampling methods described in Appendix I of chapter 11 of this division; or

(B) an equivalent sampling method.

(4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date;

(5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply; and

(6) where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in sections 66265.193, 66265.200, 66265.225, 66265.252, 66265.273, 66265.314, 66265.341, 66265.375, 66265.402, 66265.1034(d), 66265.1063(d), 66265.1084 and 66268.7 of this division.

(7) For owners and operators seeking an exemption to the air emission standards of article 30 in accordance with section 66265.1083:

(A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

(B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

(c) For off-site facilities, the waste analysis plan required in subsection (b) of this section shall also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan shall describe:

(1) the procedures which will be used to determine the identity of each movement of waste managed at the facility; and

(2) the sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25245, 58004, and 58012, Health and Safety Code.

Reference: Sections 25150, 25159, and 25159.5, Health and Safety Code; and 40 CFR Section 265.13.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of subsection (b)(6) and Note filed 12-23-92; operative 1-22-93 (Register 93, No. 1).
3. New subsection (c)(3) and amendment of Note filed 8-8-95; operative 8-8-95 (Register 95, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-6-95 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction inserting inadvertently omitted History 3 (Register 95, No. 37).
5. Reinstatement of section as it existed prior to emergency amendment filed 9-15-95 by operation of Government Code section 11346.1(f) (Register 95, No. 37).
6. Amendment of subsection (a)(2)(B) filed 1-31-96; operative 1-31-96 (Register 96, No. 5).
7. Amendment of subsections (a)(1), (a)(4)(A) and (b)(1) and NOTE filed 6-20-96; operative 7-20-96 (Register 96, No. 25).
8. Editorial correction restoring inadvertently omitted subsections (b)(3)(B)-(b)(5) (Register 97, No. 10).
9. New subsection (c)(3) filed 10-13-98; operative 11-12-98 (Register 98, No. 42).
10. Change without regulatory effect amending subsection (b)(6), adding subsections (b)(7)-(b)(7)(B) and amending

NOTE filed 6-11-99 pursuant to Health and Safety Code section 25159.1 (Register 99, No. 24).

11. Change without regulatory effect amending subsection (c) filed 7—1—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 27).

§66265.14. Security.

(a) The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the owner or operator can demonstrate to the Department that:

(1) physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility, and

(2) disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this chapter.

(b) Unless the owner or operator has made a successful demonstration under subsection (a)(1) and (2) of this section, a facility shall have:

(1) a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or

(2)(A) an artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

(B) a means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

(3) The requirements of subsection (b)(1) or (2) of this section shall be satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, which complies with the requirements of subsection (b)(1) or (2) of this section.

(c) Unless the owner or operator has made a successful demonstration under subsections (a)(1) and (a)(2) of this section, a sign with the legend, "Danger Hazardous Waste Area--Unauthorized Personnel Keep Out," shall be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The legend shall be written in English, Spanish and in any other language predominant in the area surrounding the facility, and shall be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger Hazardous Waste Area--Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.14.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.15. General Inspection Requirements.

(a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to: (1) release of hazardous waste constituents to the environment; or (2) a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(b)(1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

(2) The owner or operator shall keep this schedule at the facility.

(3) The schedule shall identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

(4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, or malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule shall include the items and frequencies called for in sections 66265.174, 66265.193, 66265.195, 66265.226, 66265.260, 66265.278, 66265.304, 66265.347, 66265.377, 66265.403, 66265.1033, 66265.1052, 66265.1053, 66265.1058, 66265.1084 through 66265.1090 of this chapter, where applicable.

(c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

(d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.15.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of subsection (b)(4) and Note filed 12-23-92; operative 1-22-93 (Register 93, No. 1).
3. Amendment of subsection (b)(4) and Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).
4. Change without regulatory effect amending subsection (b)(4) and NOTE filed 6-11-99 pursuant to Health and Safety Code section 25159.1 (Register 99, No. 24).

§66265.16. Personnel Training.

(a)(1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this chapter. The owner or operator shall ensure that this program includes all the elements described in the document required under subsection (d)(3) of this section.

(2) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

(3) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:

- (A) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
- (B) key parameters for automatic waste feed cut-off systems;
- (C) communications or alarm systems;
- (D) response to fires or explosions;
- (E) response to ground-water contamination incidents; and
- (F) shutdown of operations.

(b) Facility personnel shall successfully complete the program required in subsection (a) of this section within six months after the date of their employment or assignment to a facility, or to a new position at a facility. Employees hired after the effective date of these regulations shall not work in unsupervised positions until they have completed the training requirements of subsection (a) of this section.

(c) Facility personnel shall take part in an annual review of the initial training required in subsection (a) of this section.

(d) The owner or operator shall maintain the following documents and records at the facility:

(1) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) a written job description for each position listed under subsection (d)(1) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

(3) a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (d)(1) of this section;

(4) records that document that the training or job experience required under subsections (a), (b), and (c) of this section has been given to, and completed by, facility personnel.

(e) Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.16.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.17. General Requirements for Ignitable, Reactive, or Incompatible Wastes.

(a) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter, the transfer, treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, shall be conducted so that it does not:

- (1) generate extreme heat or pressure, fire or explosion, or violent reaction;
- (2) produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
- (3) produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

- (4) damage the structural integrity of the device or facility containing the waste; or
- (5) through other like means threaten human health or the environment.

(c) When required to comply with subsection (a) or (b) of this section, the owner or operator shall document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses (as specified in section 66265.13) or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.17.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.18. Location Standards.

(a) The placement of any hazardous waste in a salt dome, salt bed formation, underground mine or cave is prohibited.

(b) A facility located in a 100-year floodplain or within the maximum high tide shall be designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood or maximum high tide, unless the owner or operator can demonstrate to the Department's satisfaction that procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood or tide waters.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.18.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.19. Construction Quality Assurance Program.

(a) CQA program. (1) A construction quality assurance (CQA) program is required for all surface impoundment, waste pile, and landfill units that are required to comply with sections 66265.221(a), 66265.254, and 66265.301(a). The program shall ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program shall be developed and implemented under the direction of a CQA officer who is a California state registered professional Civil engineer.

(2) The CQA program shall address the following physical components, where applicable:

- (A) Foundations;
- (B) Dikes;
- (C) Low-permeability soil liners;
- (D) Geomembrane (flexible membrane liners);
- (E) Leachate collection and removal systems and leak detection systems; and
- (F) Final cover systems.

(b) Written CQA plan. Before construction begins on a unit subject to the CQA program under subsection (a) of this section, the owner or operator shall develop a written CQA plan. The plan shall identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan shall include:

(1) Identification of applicable units, and a description of how they will be constructed.

(2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.

(3) A description of inspection and sampling activities for all unit components identified in subsection (a)(2) of this section, including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description shall cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under section 66265.73.

(c) Contents of program. (1) The CQA program shall include observations, inspections, tests, and measurements sufficient to ensure:

- (A) Structural stability and integrity of all components of the unit identified in subsection (a)(2) of this section;
- (B) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications;
- (C) Conformity of all materials used with design and other material specifications under sections 66264.221, 66264.251, and 66264.301 of this chapter.

(2) The CQA program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of sections 66264.221(c)(1), 66264.251(c)(1), and 66264.301(c)(1) of this chapter in the field. Compliance with the hydraulic conductivity requirements shall be verified by using in-situ testing on the constructed test fill. The test fill requirement is waived where data are sufficient to show that a constructed soil liner meets the hydraulic conductivity requirements of sections 66264.221(c)(1), 66264.251(c)(1), and 66264.301(c)(1) of this chapter in the field.

(d) Certification. The owner or operator of units subject to section 66265.19 shall submit to the Department by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the CQA officer that the CQA plan has been successfully carried out and that the unit meets the requirements of sections 66265.221(a), 66265.254, or 66265.301(a). The owner or operator may receive waste in the unit after 30 days from the Department's receipt of the CQA certification unless the Department determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator during this period. Documentation supporting the CQA officer's certification shall be furnished to the Department upon request.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.19.

HISTORY

1. New section filed 7-19-95; operative 8-18-95 (Register 95, No. 29).
2. Change without regulatory effect amending subsections (c)(2) and (d) filed 6-30-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 27).

§66265.25. Seismic and Precipitation Design Standards.

(a) Except as provided by section 66265.192, facilities subject to this chapter and all cover systems and drainage control systems required by this chapter shall be designed to function without failure when subjected to capacity, hydrostatic and hydrodynamic loads resulting from a 24-hour probable maximum precipitation storm.

(b) The following shall be designed, constructed and maintained to withstand the maximum credible earthquake without the level of public health and environmental protection afforded by the original design being decreased:

- (1) all surface impoundments, waste piles, landfills and land treatment facilities subject to this chapter; and
- (2) all covers and cover systems required by this chapter and all containment and control features which will remain after closure at permanent hazardous waste disposal areas.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).